

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDanton Keith Duncan

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New York
(Officer Manuel Cardona, shield
04655, Officer Joel Polichon
Shield # 24564

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Danton K. Duncan
 Street Address [REDACTED]
 County, City Manhattan, New York
 State & Zip Code New York (1003)
 Telephone Number [REDACTED]

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
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Amended

COMPLAINT

10 CV 6049 (GBD) (DCF)

Jury Trial: Yes No
(check one)

Defendant No. 1 Name Under Seal
The City of New York
 Street Address 100 Church St.
 County, City Manhattan, New York
 State & Zip Code New York, 10007
 Telephone Number _____

Defendant No. 2 Name Officer Manuel Cardova (NYPD)
 Street Address 1 Police Plaza
 County, City Manhattan, New York
 State & Zip Code New York, 10007
 Telephone Number _____

Defendant No. 3 Name Officer Joel Polichron (NYPD)
 Street Address 73rd Precinct
 County, City Kings, Brooklyn
 State & Zip Code New York 11211
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Constitutional 5th, 4th, 14th Amendments

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? From a arrest
occurring 12/16/08

B. What date and approximate time did the events giving rise to your claim(s) occur? On
12/16/08 ; 7/23/09 (after Grand Jury Proceedings)

C. Facts: On 12/16/08 I was arrested for a crime that
occurred at 405pm, in which I was at a program over ten
miles away from this incident. I did not fully fit the
radiodecription, being that I was wearing a gray cap
not green. I was subjected to a full cavity search
(strip search) in which I was told I would be released
if nothing was found. My cane which I use to walk
with, prescribed by my doctor was left in the
street. My medication was also taken from me and disregarded
in the street because I did not have my pills in the bottles
they were dispensed in. Within 4 day of this arrest a letter
was submitted in my behalf from my program (BRC) indicating
a high probability of innocence. This evidence and factual
evidence reflected by my prints and Medicaid card was
withheld by the ADA in pursuit of a conviction. On 7/23/09
I was found to be "not guilty". Officers were also aloud to

IV. Injuries: change testimonies after I testified

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I suffered undue pain from
inadequate medical attention which also complicated
existing medical conditions. Emotional and mental
anguish and trauma. Personal and physical
loss.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I am seeking compensation for loss of property, loss of spouse, friends and family relations; undue stress, mental anguish, and emotional torment; humiliation and degradation mentally furnished (from exposing myself by stretching open my anus) and pain, suffering and torment (due to inadequate medical treatment assessment, and proper conditions in relations towards medical needs, treatment, and environment the amount in which relief may be compensated \$ 10,000.00 to ten million dollars)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number: _____

CCRB
Jan 27, 2009

Complaint Report (CCRB)

CCRB Case No :	200900277	C/V Report Date :	Wed, 01/07/2009 02:21 PM
Complaint Type :	OCD	Investigator :	Not Assigned
Complaint Made At :	CCRB	Ref. No :	
Received Date (CCRB) :	Wed, 01/07/2009 02:21 PM	Mode :	Mail
Incident Date :	Tue, 12/16/2008 05:10 PM	Location :	Police building
Place of Occurrence :	Inside the 30th Precinct	Precinct :	30
		Boro :	Manhattan

Reason for Initial Contact : Report-possession/sale of narcotics

Charges : Arrest - other Violation/crime

Complainant/Victim Details

Name :	Danton Duncan	Type :	Comp/Victim
Address :	[REDACTED]		

Contacts :

Gender :	Male	Ethnicity :	Black
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Person Assisting :

Injury Details :

Date of Birth :

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd Allegations/Board Dispositions
	An Officer	Subject Officer		Unknown	

Initial Complaint Narrative

Mr. Danton Duncan states he was arrested on a claimed investigation which was actually just an apprehension as an immediate collar for an unsuccessful buy and bust operation. This is made apparent from the events that transpired at the 30th precinct, where he was processed and from the information given to him as to there being three officers witnessing him make a criminal sale during grand jury proceedings, in which this information should have been mentioned and noted in the original docket and at arraignment. Mr. Duncan states what occurred at the 30th precinct was as if he was a fish that had been caught. Numerous photos were taken of him and also numerous officers of the 30th precinct took notes as to his possession. Mr. Duncan states he even heard the officer said "I want to give his photo to the other guys on the team". Mr. Duncan states he do not appreciate being a collar to correct a unsuccessful buy and bust in which there are 4 - 5 unidentified perpetrators and this unit corruption is evident in how documents prepared falsely indicates that he was processed at the 32nd precinct instead of the "dirty 30". Mr. Durcan states he will express to the court the corrupt practices of his matter of fraud and perjury will be investigated. Mr. Duncan states he got arrested over an hour of his said crime and has witnesses that he got bagged by thirty officers looking for a collar(s) at the end of their tour for just being outside.

Witness